

## **Remarks**

Claims 1-13 are pending in this application. Claims 1-2, 4-6, and 11 (and apparently claim 12 as well) stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer (U.S. Patent No. 5,001,752) in view of Hasebe (U.S. Patent No. 7,000,114) and further in view of Mincher (U.S. Patent No. 5,408,506). Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer, Hasebe, and Mincher, and further in view of Esker (U.S. Patent No. 6,236,277). Claims 9 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer, Hasebe, and Mincher, and further in view of Watson (U.S. Patent No. 6,775,704). Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer, Hasebe, and Mincher, and further in view of Terao (U.S. Patent No. 6,651,167). Claims 7 and 8 have been indicated as containing allowable subject matter. The invention is believed to be patentable.

Claim 1, for example, recites a trusted high stability time source for use with a digital time stamping service and a trusted external time source. The trusted high stability time source comprises a private time source in the form of a local running clock and indicating a private time, and a published time source in the form of a local running clock and indicating a published time. At least one power supply is arranged to power the private time source and the published time source. Control logic is programmed to perform a time stamping operation using the published time.

Claim 1 further recites performing a published time source update. The published time is updated with a published time update from the trusted external time source if an update condition is satisfied. The update condition is based in part on a time difference between the private time and the published time update.

Claim 1 specifically recites “perform a time stamping operation by receiving a message, appending the published time to the message” and “updating the published time with the published time update if an update condition is satisfied, wherein the update condition is based in part on a time difference between the private time and the published time update.”

The Examiner relies on Fischer as the primary reference. Fischer does describe time stamping and, in Figure 5, illustrates a clock module having multiple digital clocks 20 and 22. According to Fischer, the time stamp signals of clocks 20 and 22 are averaged and the average time is output as the clock module time stamp value. In the event that the difference between the clock signals exceeds a predetermined threshold, an error signal is generated and an error routine disables the device and erases the private key. The Examiner states that Fischer fails to disclose a method of updating the published time using a trusted external time source, and fails to disclose further details of the updating procedure.

The Examiner relies on Hasebe as a secondary reference. Hasebe describes a time set sequence involving the updating of a clock time by a computer installed in a certificate authority (CA) center.

Neither Fischer nor Hasebe describes the claimed subject matter relating to “updating the published time with the published time update if an update condition is satisfied, wherein the update condition is based in part on a time difference between the private time and the published time update.” The Examiner relies on Mincher as a further secondary reference in making the rejection. Mincher fails to overcome the shortcomings of Fischer and Hasebe. Fischer in view of Hasebe and further in view of Mincher fails to suggest the claimed invention.

The Examiner states that Mincher teaches updating a clock value if an update condition is satisfied, wherein the update condition is based in part on a time difference between the private time and the published time update. The Examiner refers to Col. 3, lines 50-63 of Mincher. Applicants respectfully disagree, and point out that Mincher does not describe the claimed update feature.

In more detail, claim 1 specifically recites a procedure involving three times. Claim 1 recites a “private time” indicated by the private time source, a “published time” indicated by the published time source and used when performing the time stamping operation, and a “published time update” received from the trusted external time source and used (when

the update condition is satisfied) to update the “published time.” Further, the claims recite that the update condition is based in part on a time difference between the “private time” and the “published time update.”

Turning to Mincher, lines 50-55 of column 3 describe a “current clock value” and a “calculated average (value obtained from master node clock values).” According to Mincher, if the difference between the “current clock value” and the “calculated average” is within a predetermined tolerance, the node can update the “current clock value” with the “calculated average.” Accordingly, it is not clear how this subject matter in Mincher could suggest the subject matter of claim 1. After all, claim 1 recites three times: the private time, the published time (used for time stamping), and the published time update (used to update the published time when the update condition is satisfied). Mincher only describes the current clock value and the calculated average.

The Examiner relies on Mincher in making the rejection. Applicants respectfully request that the Examiner point out, in Mincher, what are the “private time,” “published time,” and “published time update.” In lines 50-55 of column 3, Mincher compares one value to another value, and then sets these values to be the same if they are within a predetermined tolerance of each other. On the other hand, claim 1 compares the published time update to the private time, and then updates the published time with the published time update when the update condition is met.

Also in Mincher, at lines 55-63 of column 3, Mincher describes what is done when the tolerance limit is exceeded. In this case, the node sends a synchronization request message. Other nodes, in turn, send their clock values to the requesting node. The requesting node then calculates a new average clock value for use in updating its clock. Clearly, these further teachings in Mincher also make no suggestion of the claimed subject matter.

The Examiner has combined three references; however, there is still no suggestion of the claimed features relating to the updating of the published time.

Claims 2-13 are dependent claims and are also believed to be patentable at least for the reasons given above.

With regard to Mincher, claim 5 is believed to recite further patentable subject matter that is not suggested in Mincher. Claim 5 specifically recites that the update condition is not satisfied when the time difference between the private time and the published time update is greater than six hours. Note that in Mincher, a large time difference between the current clock value and the current calculated average value results in the device making a synchronization request, where in contrast, according to claim 5 the published time is not updated when the time difference between the private time and the published time update is greater than six hours.

For the reasons given above, claims 1-13 are believed to be in condition for allowance and such action is respectfully requested.

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Respectfully submitted,  
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